

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

<b>DAVID SHERMAN, et al.,</b>	:	<b>Civil No. 1:19-cv-1624</b>
	:	
<b>Plaintiffs,</b>	:	
	:	
<b>v.</b>	:	
	:	
<b>TINA LITZ, et al.,</b>	:	
	:	
<b>Defendants.</b>	:	<b>Judge Sylvia H. Rambo</b>

**O R D E R**

Before the court is a report and recommendation of Chief Magistrate Judge Schwab (Doc. 35) in which she recommends that the complaint be dismissed pursuant to 29 U.S.C. § 1915A(b)(1) because it fails to state a claim upon which relief may be granted and that the case be closed. Objections to the report and recommendation were due on August 11, 2020, and to date, no objections have been filed.

In considering whether to adopt a report and recommendation when no objections have been filed, the court should, as a matter of good practice, “satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Fed. R. Civ. P. 72(b), advisory committee notes; *see also Univac Dental Co. v. Dentsply Intern., Inc.*, 702 F. Supp. 2d 465, 469 (M.D. Pa. 2010) (explaining that judges should review dispositive legal issues raised by the report for clear error). Following an independent review of the record and upon a careful

review of the report and recommendation, the court is satisfied that the report and recommendation contains no clear error and will therefore adopt the recommendation. Accordingly, **IT IS HEREBY ORDERED AS FOLLOWS:**

- 1) The report and recommendation (Doc. 35) is **ADOPTED**;
- 2) The complaint is DISMISSED pursuant to 29 U.S.C. § 1915A(b)(1) for failure to state a claim upon which relief may be granted;
- 3) The Clerk of Court shall close this file; and
- 4) Any appeal taken from this order is deemed frivolous and not in good faith.

s/Sylvia H. Rambo  
SYLVIA H. RAMBO  
United States District Judge

Dated: September 8, 2020